

DOCKET NO.: 3:09MJ131-DCK

VS.

ORDER

THIS MATTER IS BEFORE THE COURT on the “United States’ Motion To Revoke Material Witness Bond” filed August 27, 2009. Due to the apparent urgency of this matter, the undersigned conducted a telephone conference this date with counsel for the government and counsel for the defendant. Counsel for the defendant does not intend to file a written response to the motion. For the reasons set out below, the Court will grant the motion and direct the revocation of the defendant’s bond and the defendant’s arrest.

On May 15, 2009, the United States filed, and the Court endorsed, a material witness complaint for the defendant, who is to be a witness at trial against Eric Orr (Case No. 3:09-cr-35). Upon the Court's warrant, the defendant was arrested, and the Court ordered her detention. When the trial in which Ms. Smith was subpoenaed to testify was continued from June until August, the defendant moved for reconsideration and release, and at a July 9, 2009 hearing on that motion, the Court ordered the defendant's release on an unsecured bond.

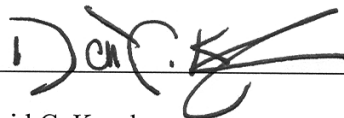
For most of the time since her release, the defendant has resided in a halfway house, without incident. Recently, however, she admitted to crack cocaine use, and as a result was admitted to rehab. Sometime between August 26 and August 27, the defendant left rehab and was involved in an altercation with at least one other woman. Charlotte-Mecklenburg Police responded to that

incident. The Court finds that the defendant's drug use, the defendant's participation in an alleged assault, and the defendant's departure from the rehab center without notification violate her bond conditions.

IT IS THEREFORE ORDERED that the United States' Motion to Revoke Material Witness Bond (Document No. 10) is hereby **GRANTED**.

IT IS FURTHER ORDERED that a warrant shall issue for the defendant's arrest and that the defendant be detained pending further orders of the Court.

Signed: August 27, 2009



David C. Keesler
United States Magistrate Judge

